

No. 25-1162

IN THE
IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Ryan Dillon-Capps

Plaintiff-Appellant,

v.

Ohana Growth Partners, LLC et al.,

Defendants-Appellees.

On Appeal from
the U.S. District Court
for the District of Maryland

No. 1:24-CV-3744

Ryan Dillon-Capps Affidavit of Judicial Complaint and
Chief Judge Diez May 27, 2025, Order Confirming
Docketing Directives and Incomplete Court Record

Ryan Dillon-Capps
1334 Maple Avenue
Essex Maryland 21221
ryan@mxt3.com
703-303-1113

<u>Table of Contents</u>	
Introduction.....	2
Declaration of Affirmation	8

Introduction

I, Ryan Dillon-Capps (née Wagner), the Plaintiff-Appellant-Petitioner, being over the age of eighteen (18), competent to testify, and having personal knowledge of the facts contained herein, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct.

On May 27, 2025, Chief Judge Albert Diaz of the United States Court of Appeals for the Fourth Circuit issued a memorandum and order in response to my formal judicial misconduct complaint against District Judge Brendan A. Hurson.

I am the complainant and District Judge Brendan Abel Hurson is the subject judge. Attached hereto as *Exhibit 205-B* is a copy of the Judicial Complaint April 30, 2025, submission email.

The Judicial Complaint against Brendan Abel Hurson included a five-page complaint and a zip named complaint-supporting-documents which contained the following 93 files:

- 22-2-ifp-motion.pdf
- 22-3-ifp-motion-po.pdf
- 22-4-ifp-form.pdf

- 24-1-disqualify-motion.pdf
- 24-2-disqualify-affidavit 1-disqualify.pdf
- 24-3-disqualify-affidavit2-court-records.pdf
- 24-4-disqualify-affidavit3-plausability.pdf
- 24-5-disqualify-201A.pdf
- 24-6-disqualify-202A.pdf
- 24-7-disqualify-204.pdf
- 24-8-disqualify-205.pdf
- 24-9-disqualify-105A.pdf
- 25-1-exhibt-301-0.pdf
- 25-2-exhibt-301-1.pdf
- 25-3-exhibt-301-2.pdf
- 25-4-exhibt-301-3.pdf
- 25-5-exhibt-303-3.pdf
- 25-6-exhibt-304-2.pdf
- 25-7-exhibt-304-3.pdf
- 25-8-exhibt-305-2.pdf
- 25-9-exhibt-306-0.pdf
- 25-10-exhibt-306-1.pdf
- 25-11-exhibt-307-1.pdf
- 25-12-exhibt-307-3.pdf
- 25-13-exhibt-308-0.pdf
- 25-14-exhibt-309-0.pdf
- 25-15-exhibt-310-0.pdf
- 25-16-exhibt-311-0.pdf
- 25-17-exhibt-312-0.pdf
- 25-18-exhibt-313-0.pdf
- 25-19-exhibt-314-0.pdf
- 25-20-exhibt-315-1.pdf
- 26-1-exhibit 316-0.pdf
- 26-2-exhibit 316-1.pdf

- 26-3-exhibit 316-2.pdf
- 26-4-exhibit 316-3.pdf
- 26-5-exhibit 316-4.pdf
- 26-6-exhibit 316-5.pdf
- 26-7-exhibit 316-6.pdf
- 26-8-exhibit 316-7.pdf
- 26-9-exhibit 316-8.pdf
- 26-10-exhibit 316-9.pdf
- 26-11-exhibit 316-10.pdf
- 26-12-exhibit 316-11.pdf
- 26-13-exhibit 316-12.pdf
- 26-14-exhibit 316-13.pdf
- 26-15-exhibit 316-14.pdf
- 26-16-exhibit 316-15.pdf
- 27-1-origional-1-0.pdf
- 27-2-origional-1-1.pdf
- 27-3-origional-1-4.pdf
- 27-4-origional-1-5.pdf
- 27-5-origional-1-6.pdf
- 27-6-origional-1-7.pdf
- 27-7-origional-1-8.pdf
- 27-8-origional-1-9.pdf
- 27-9-origional-1-10.pdf
- 27-10-origional-1-11.pdf
- 27-11-origional-1-12.pdf
- 27-12-origional-3-1.pdf
- 27-13-origional-3-2.pdf
- 27-14-origional-3-3.pdf
- 27-15-origional-4-1.pdf
- 27-16-origional-4-2.pdf
- 27-17-original-5-1.pdf

- 27-18-original-5-2.pdf
- 27-19-original-6-0.pdf
- 27-20-original-6-1.pdf
- 27-21-original-7-1.pdf
- 27-22-original-7-2.pdf
- 27-23-original-7-3.pdf
- 28-1-original-16-0.pdf
- 28-2-original-16-1.pdf
- 28-3-original-16-2.pdf
- 28-4-original-16-3.pdf
- 28-5-original-16-4.pdf
- 28-6-original-16-5.pdf
- 28-7-original-16-6.pdf
- 28-8-original-16-7.pdf
- 28-9-original-16-8.pdf
- 28-10-original-16-9_16-10_16-11.pdf
- 28-11-original-16-12.pdf
- 28-12-original-16-13.pdf
- 28-13-original-16-14.pdf
- 28-14-original-16-15.pdf
- 29-1-DECF-19-2.pdf
- 29-2-DECF-28-2.pdf
- 29-3-DECF-34-0.pdf
- 29-4-DECF-38-1.pdf
- 29-5-DECF-40-1.pdf
- 29-6-DECF-38-2.pdf
- 29-7-DECF-28-3.pdf
- 30-0-exhibit-list updated 2025-04-29.pdf

Attached hereto as *Exhibit 205-A* is a copy of the memorandum
and order issued by Chief Judge Albert Diaz on May 27, 2025, in

response to my judicial misconduct complaint against Judge Hurson.

On page 3 of that order, Chief Judge Diaz explicitly states:

“Complainant’s challenges to the subject judge’s rulings, including his directions to court staff as to how the contents of a CD-ROM should be docketed, are dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) as merits-related.”

This statement constitutes a material admission that the docketing of CD-ROM contents—previously understood only through indirect communications with court personnel—originated from Judge Hurson’s own directives. The Chief Judge of the Fourth Circuit has now formally acknowledged and validated the allegation that Judge Hurson issued instructions to alter or affect the docketing of evidentiary material, thereby rendering Judge Hurson’s directive to Baylee Wilson a judicially established fact.

Additionally, Chief Judge Diaz has characterized this as an official administrative ruling, which necessarily confirms that the District Court record omits Judge Hurson’s directive—an omission that renders the current appellate record incomplete. This constitutes a judicial finding that the record before the Fourth Circuit Court of Appeals has not been properly prepared, and that the Court may not consider the merits of the appeal until the record is corrected.

This supplemental filing is necessary to:

1. Confirm that Judge Hurson is now a fact witness to his own conduct concerning docketing and court record integrity. As both a party to the underlying civil proceedings and a potential subject of criminal inquiry, Judge Hurson's disqualification is mandatory;
2. Establish that Chief Judge Diaz is also a fact witness in both civil and potentially criminal proceedings, capable of testifying as to how he confirmed the allegations, the means of communication through which the directive was issued, and other critical facts relevant to discovery and investigation;
3. Support and supplement pending requests for disqualification under 28 U.S.C. §§ 144 and 455;
4. Establishes that the Fourth Circuit Court cannot reach the merits of the pending appeal until the District Court record is corrected and certified in full.

This filing is submitted to supplement the record and clarify the procedural and factual posture of the current appeal, as defined by the Chief Judge of the Fourth Circuit Court. I do not concede that the Chief Judge's determination is legally correct and expressly reserve all rights and objections for future judicial and administrative filings.

- Exhibit 205-A, at 3 (Chief Judge Albert Diaz's Order Dismissing Judicial Misconduct Complaint (May 27, 2025)—confirmation of Hurson's Directive to Baylee Wilson)

Declaration of Affirmation

I solemnly declare and affirm under penalty of perjury, based on my personal knowledge, that the contents of the foregoing affidavit and all accompanying exhibits are true and correct to the best of my knowledge.

June 2, 2025

/s/ Ryan Dillon-Capps
Ryan Dillon-Capps

1334 Maple Avenue
Essex, Maryland
21221
ryan@mxt3.com
703-303-1113